

21 October 1953

MEMORANDUM FOR: COLONEL WHITE

1. Attached is a Personnel Office memorandum on the subject of exempting employees from physical examinations for religious reasons. While the subject is not developed as comprehensively as might be desired, the conclusion reached, i.e., waivers on religious grounds should no longer be granted, seems to be the correct one.

2. The Personnel Office memorandum omits completely any discussion on the policy of the Civil Service Commission in this connection. Medical examinations are required as a pre-requisite to appointment to any position in the Federal government over which the Civil Service Commission has jurisdiction. Hence, the policy of the Commission would seem to be quite pertinent in examining this problem. At my request, [redacted] in George Meloon's office contacted the Medical Division of the Civil Service Commission and learned from that office that the Commission has consistently refused to authorize waivers on religious grounds. From my own experience in Personnel operations in other Federal agencies, I had known that this was the case but wished to have confirmation made in connection with the specific problem now under consideration. I am certain that it is equally true, however, that agencies such as CIA, which are exempt from Civil Service Commission regulatory control, are free to prescribe any regulation governing medical examinations which they may desire. The right to do this is inherent in the administrative authority vested in the Director of Central Intelligence. Memorandum from the Office of the General Counsel (Tab A) indicates that no statute exists which modifies the Director's authority in this connection.

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3. Although the Agency is apparently free to provide for waivers, it would not seem advisable to embark upon such a course. Difficulties which might result subsequently in connection with the processing of claims for injury or illness compensation as well as disability retirement might well subject such Agency policy to external criticism.

4. The Personnel Office gives the opinion that removal action would be justified against employees who refused to comply with instructions to participate in medical examinations. This conclusion, I am sure, is correct since other Federal agencies have, again from my personal knowledge, resorted to removal in instances where personnel refused to submit to physical examination when their agencies believed such examination should be conducted.

5. In summary, it is recommended that waivers not be granted. No action to amend regulations seems to be necessary since Regulation [redacted] now states in positive language that "a complete physical examination

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will be given each individual prior to assignment to duty in the Agency," and uses equally positive terms in connection with physical examinations for other purposes. It appears unnecessary to indicate that no waivers will be granted. Persons who would request waivers for religious reasons might still do so even if we said that no waivers would be given. It would be inappropriate to say in the regulations that religious grounds would not serve as a basis for waiver.

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